

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Judge Robert W. Schroeder III

VIRNETX INC., et al

V.

APPLE INC.

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CIVIL NO. 6:12cv855

MINUTES FOR SEVENTH DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
APRIL 10, 2018

OPEN: 8:43 am

ADJOURN: 5:16 pm

ATTORNEYS FOR PLAINTIFFS: See Attorney Sign In Sheet from April 2, 2018

ATTORNEYS FOR DEFENDANT: See Attorney Sign In Sheet from April 2, 2018

LAW CLERK: Aisha Haley

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Kelly Polvi

8:43 am Outside the presence of the jury, Ms. Heffernan and Mr. Summer discuss the verdict form; Court responds; Court discusses jury instructions with Mr. Appleby, Mr. Caldwell, Ms. Heffernan, Mr. Summers, and Mr. Mizzo; Court discusses today's schedule; Court discusses potential issues with rebuttal case; Mr. Caldwell and Mr. Arovas respond; Mr. Arovas and Mr. Curry discuss presenting JMOLs; Court responds

9:21 am Jury seated

9:22 am Mr. Ward continues with cross examination of Mr. Blakewell

9:51 am Ms. Heffernan begins re-direct examination of Mr. Blakewell

10:03 am Mr. Ward offers exhibit DTX 944.17 into the record; no objection; Mr. Ward begins re-cross examination of Mr. Blakewell

10:06 am Ms. Heffernan marks exhibit as demonstrative; no objection

10:06 am Ms. Heffernan advises the Court that Apple rests its case

10:07 am Mr. Curry calls Dr. Mark Jones as a rebuttal witness

10:08 am Mr. Curry begins direct examination of Dr. Jones

10:24 am Bench conference

10:27 am Mr. Appleby begins cross examination of Dr. Jones

10:32 am Courtroom sealed

10:38 am Courtroom unsealed; Mr. Appleby and Mr. Curry mark demonstratives; no objections

10:39 am Mr. Curry begins re-direct examination of Dr. Jones

10:41 am Mr. Appleby begins re-cross examination of Dr. Jones

10:42 am Courtroom sealed

10:43 am Courtroom unsealed

10:43 am Mr. Cassady submits the final list of admitted exhibits; no objections

10:44 am Mr. Caldwell advises the Court that Plaintiff rests

10:45 am Mr. Aaron Resetarits submits the final list of admitted exhibits; no objections

10:46 am Mr. Arovas advises the Court that Defendant rests

10:46 am Court informs the jury of the day's remaining schedule

10:47 am Jury out

10:48 am Mr. Summers argues a JMOL as to direct infringement; Mr. Akshay Deoras responds; Court will carry the motion; Mr. Summers argues a JMOL as to \$1.20 per unit in damages; Ms. Schmidt responds; Court will carry the motion

11:05 am Mr. Deoras argues a JMOL as to non-infringement; Mr. Summers responds; Court will carry the motion; Ms. Schmidt argues a JMOL as to damages; Mr. Summers responds; Court will carry the motion

11:18 am	Recess
11:37 am	Outside the presence of the jury, Court inquires of the parties' objections to the jury instructions; Mr. Mizzo informs the Court they will carry their objections forward; Mr. Summers advises the Court they have nothing further subject to last night's objections; Court inquires of time split during closing
11:39 am	Jury seated
11:40 am	Court gives instructions
12:25 pm	Mr. Caldwell begins closing statement
12:51 pm	Mr. Ward continues with closing statement
1:01 pm	Mr. Arovas begins closing statement
1:09 pm	Objection by Mr. Caldwell; Court informs Mr. Caldwell this is closing argument
1:47 pm	Mr. Caldwell completes his closing statement
2:00 pm	Court instructs the jury
2:02 pm	Jury out
2:03 pm	Recess
2:59 pm	Outside the presence of the jury, the Court and parties (Mr. Demarais, Mr. Cassady, Mr. Caldwell, Mr. Curry, and Mr. Summers) discuss filings regarding the willfulness phase; 15 minutes per side for opening
3:38 pm	Recess
4:56 pm	Jury has reached a verdict
5:06 pm	Jury seated
5:06 pm	Court asks the foreperson if the verdict is unanimous; it is; Court reviews the verdict
5:08 pm	Verdict is read
5:09 pm	Jury polled; all jurors stood
5:09 pm	Bench conference

5:10 pm	Court thanks the jury for their service so far; informs them they will determine willfullness beginning tomorrow
5:13 pm	Jury out
5:14 pm	Outside the presence of the jury, Court instructs parties to meet and confer regarding the preliminary instructions; Mr. Caldwell responds; Court responds
5:16 pm	Recess